

TOWNSHIP OF CHATHAM

WORKSHOP AGENDA

October 9, 2014

October 8, 2014 draft

Workshop public meetings are held primarily for the Mayor and Committee to discuss issues informally. These issues will in most cases be resolved at a subsequent regular public meeting by a formal vote either to pass a resolution or adopt an ordinance. Regular public meetings are normally held the second Thursday of each month. The Township Committee may, however, pass a resolution, introduce an ordinance, and, if advertised, adopt an ordinance at a workshop meeting if warranted.

Meeting Called to Order – 7:30 PM

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 6, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2014; and notice was filed with the Township Clerk on January 6, 2014.

Flag Salute

Roll call

Approval of Agenda

Reports:

Resolution

1. Resolution 2014-182 Urging Congress to Pass Expatriation of Terrorists Legislation

Public Hearing/Final Adoption of Ordinances

1. Ordinance 2014-15 Acquisition of Property

Consent Agenda (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

2. Resolution 2014-183 Payment of Bills
3. Resolution 2014-184 Approving Meeting Minutes
4. Resolution 2014-185 Approving Executive Session Minutes
5. Resolution 2014-186 Glenmere Avenue Improvements Grant Application
6. Resolution 2014-187 Amending 2014 Salary Resolution
7. Resolution 2014-188 Rejecting Bids for Nash Field Improvements
8. Resolution 2014-189 Refunding Permit Fee

Discussion: possible ordinance or resolution

1. Best Practices Checklist

Hearing of Citizens

Executive Session- Resolution 2014-P-16

- a. Property acquisition or investment options: Giralda Farms Property (Block 142, Lot 1 & Block 141, Lots 7, 8 & 9.04)
- b. Pending or anticipated litigation: Paff v. Township of Chatham et al

Adjourn

ORDINANCE 2014-15

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO AUTHORIZE THE ACQUISITION OF PROPERTY
KNOWN AS BLOCK 142, LOTS 1 AND 2 LOCATED NORTH OF WOODLAND
AVENUE AND BLOCK 141, LOTS 7, 8 AND 9.04 LOCATED SOUTH OF WOODLAND
AVENUE, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CHATHAM BY
ASSIGNMENT FROM THE OPEN SPACE LAND TRUST**

WHEREAS, the Township of Chatham was offered the opportunity to acquire property known as Block 142, Lots 1 and 2 located North of Woodland Avenue (“Property”) and Block 141, Lots 7, 8 and 9.04 located South of Woodland Avenue (“Woodland Parcel”), on the Official Tax Map of the Township of Chatham, for passive open space by assignment from the Open Space Institute Land Trust (“OSI”); and

WHEREAS, the Property offered to the Township consists of approximately 131.344± acres, excluding Dodge Drive, subject to a restrictive covenant limiting the use of the Property and the Woodland Parcel to conservation and passive recreation purposes; and

WHEREAS, the contract purchaser, Normandy MRY Madison, LLC, of the Property and Woodland Parcel agreed to assign a Purchase and Sale Agreement to OSI for a purchase price of \$14,100,000.00 (“Purchase Price”); and

WHEREAS, OSI assembled various funding sources for the Purchase Price of the Property and Woodland Parcel as follows:

Source of Funds

Morris County Open Space Trust Fund
Morris County Park Commission
Morris County Municipal Utilities Authority
Chatham Township
Open Space Institute Land Trust
Normandy MRY Madison, LLC

WHEREAS, the parties will acquire title to the Property and Woodland Parcel in proportion to their contribution; and

WHEREAS, however, through a series of conveyances at the closing, the Township will own approximately 91.9118% of the Property and the County of Morris for park purposes will own approximately 8.0882% of the Property, subject to further revision based upon the actual proportion of the individual contributions; and

WHEREAS, however, the County of Morris for park purposes will solely own the Woodland Parcel; and

WHEREAS, the acquisition of the Property and Woodland Parcel is contingent upon the funding sources contributing the full Purchase Price; and

WHEREAS, the Township’s portion of the funding is from the following sources:

<u>Party</u>	<u>Source of Funds</u>	<u>Amount</u>
Township	Chatham Township Green Acres Grant	\$400,000.00
Township	Chatham Township Open Space Trust Fund	\$300,000.00

WHEREAS, the Township desires to acquire title to the Property in the approximate percentage described above contingent upon funding and revision of the actual percentage ownership based upon the actual proportion of the contribution; and

WHEREAS, the Township desires to appropriate \$400,000.00 in a Green Acres Grant (reimbursement for a prior acquisition) and \$300,000.00 from the Township Open Space Trust Fund.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The Township of Chatham hereby approves and authorizes the Township Mayor, Administrator, Clerk and Attorney to execute any and all documents necessary to consummate the acquisition of the Property and Woodland Parcel, including but not limited to:
 - a) Partial Assignment of Agreement;
 - b) Acquisition Funding and Assignment Agreement;
 - c) Agreement Pertaining to Declaration Amendment;
 - d) Cooperation Agreement;
 - e) Environmental Release;
 - f) Declaration of Conservation Restrictions;
 - g) Closing Statement; and
 - h) Such other documents as are necessary to consummate this transaction.
2. Appropriate up to \$400,000.00 in a Green Acres Grant (reimbursement for a prior acquisition) and up to \$300,000.00 from the Township Open Space Trust Fund for its share of the funding to acquire the Property.
3. The documents described in Paragraph 1 above shall provide the following:
 - a) Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts, with the Township and the County of Morris for park purposes owning the Property in the approximate percentages stated above as tenants in common.
 - b) The closing shall occur on or before December 31, 2014.
 - c) The closing shall be contingent upon the funding of the Purchase Price as described above.
 - d) Title shall be subject to a restrictive covenant limiting the use of the Property to conservation and passive recreation purposes.
4. This Ordinance shall take effect in accordance with law.

Introduced: September 25, 2014

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2014-15

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STATE OF NEW JERSEY, TO AUTHORIZE THE ACQUISITION OF PROPERTY
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WHEREAS, however, through a series of conveyances at the closing, the Township will own approximately 91.9118% of the Property and the County of Morris for park purposes will own approximately 8.0882% of the Property, subject to further revision based upon the actual proportion of the individual contributions; and

WHEREAS, however, the County of Morris for park purposes will solely own the Woodland Parcel; and

WHEREAS, the acquisition of the Property and Woodland Parcel is contingent upon the funding sources contributing the full Purchase Price; and

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 - f) Declaration of Conservation Restrictions;
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 - h) Such other documents as are necessary to consummate this transaction.
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 - a) Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts, with the Township and the County of Morris for park purposes owning the Property in the approximate percentages stated above as tenants in common.
 - b) The closing shall occur on or before December 31, 2014.
 - c) The closing shall be contingent upon the funding of the Purchase Price as described above.
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4. This Ordinance shall take effect in accordance with law.

Introduced: September 25, 2014

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:
Attest:

BY: _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2014-182

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY URGING CONGRESS TO PROTECT THE COUNTRY AND THE CITIZENS OF NEW JERSEY BY INTRODUCING, SUPPORTING AND PASSING LEGISLATION TO RENOUNCE CITIZENSHIP OF THOSE WHO WILLFULLY SUPPORT TERRORIST GROUPS

WHEREAS, it has become a known fact that American citizens have left the country to take up arms with terrorist groups, sworn enemies of the United States. That their actions of providing support, aid and comfort to the enemy are acts of treason.

WHEREAS, the state of New Jersey suffered significant pain and loss of life during the tragic events of September 11, 2001. A pain that still lingers for thousands of families throughout the state.

WHEREAS, on June 25, 2014 a heinous, random act of terror was committed in West Orange by an American citizen sympathetic to groups who have declared war on the United States.

WHEREAS, to allow citizens of similar ilk, who have travelled abroad and were trained and fought for radical ideologies, dedicated to the destruction of America, to return unimpeded to the United States and the State of New Jersey by Congress's failing to take any action on behalf of the citizens of New Jersey would constitute a gross negligence of their duty and a betrayal of their oath of office.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the United States Senators from the State of New Jersey and the Congressional Representatives from all twelve Congressional Districts should take immediate steps to protect the citizens of this great state, which they have a duty to defend by supporting existing legislation and or reintroducing legislation to ensure a vote comes before the entire Congress for this common sense, non-partisan legislation that revokes passports and renounces United States citizenship for any individual that has willfully supported or joined any terrorist group or country at war with the United States; and

BE IT FURTHER RESOLVED that the Township of Chatham is calling on elected officials serving New Jersey at all levels of government to pass similar resolutions and work in concert to promote the protection of New Jersey citizens and their liberty.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2014-183

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING MEETING MINUTES**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on September 25, 2014.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2014-183

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$1,537,722.68 and the prior month's payroll of \$402,658.28 Current Fund, \$47,889.62 Sewer No. 1, \$10,884.83 Sewer No. 2, \$131.25 Recreation Trust and \$22,318.66 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of October 2014, in the amount of \$2,828,281.01 be paid.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____

Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2014-184

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on September 25, 2014.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2014-184

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING MEETING MINUTES**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on September 25, 2014.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2014-185

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM APPROVING EXECUTIVE SESSION MINUTES**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on September 25, 2014.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

DRAFT

RESOLUTION 2014-185

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING SUBMITTAL OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GLENMERE AVENUE IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Glenmere Avenue Improvements-00235 to the New Jersey Department of Transportation on behalf of the Township of Chatham;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2014-186

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING SUBMITTAL OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GLENMERE AVENUE IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chatham formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Glenmere Avenue Improvements-00235 to the New Jersey Department of Transportation on behalf of the Township of Chatham;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Chatham and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2014-187

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, AMENDING RESOLUTION 2013-233 ESTABLISHING EMPLOYEE SALARIES FOR THE YEAR 2014

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that Resolution 2014-233, establishing salaries of non-contractual employees for 2014, is hereby amended as follows:

Public Works Manager	\$117,842
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In addition to the base salary to be paid, the Public Works Manager shall be paid \$12,500 for the year 2014 which shall not be considered an addition to the base salary for pension purposes or any other purpose. This payment will be subject to all appropriate federal and state taxes and will be paid in one lump sum with the last pay of the year.

This Resolution shall take effect immediately.

Adopted: October 9, 2014

Attest:

Gregory J. LaConte, Clerk

THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2014-187

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR THE 2014 NASH FIELD IMPROVEMENTS PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids a Nash Field Improvements Project; and

WHEREAS, the bids received on October 2, 2014 exceeded the estimates for the project; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

WHEREAS, it is the recommendation of the Township Engineer that the bids be rejected;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, all bids received in response to the Notice to Bidders be and the same are hereby rejected.

BE IT FURTHER RESOLVED by the Township Committee that the Township Administrator is hereby authorized and directed to re-advertise for the receipt of bids for the Nash Field Improvements Project.

Adopted: October 9, 2014

Attest:

Gregory J. LaConte, Clerk

THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2014-188

RESOLUTION OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REJECTING ALL BIDS SUBMITTED FOR THE 2014 NASH FIELD IMPROVEMENTS PROJECT

WHEREAS, the Township of Chatham has prepared the necessary bid document and published the appropriate advertisement to enable it to seek bids a Nash Field Improvements Project; and

WHEREAS, the bid received on October 2, 2014 exceeded the estimates for the project; and

WHEREAS, the bid specifications reserved to the Township the right to reject all bids and, under the circumstances, it is fully appropriate to do so;

WHEREAS, it is the recommendation of the Township Engineer that the bid be rejected;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that, for the reasons set forth above, all bids received in response to the Notice to Bidders be and the same are hereby rejected.

BE IT FURTHER RESOLVED by the Township Committee that the Township Administrator is hereby authorized and directed to re-advertise for the receipt of bids for the Nash Field Improvements Project.

Adopted: October 9, 2014

Attest:

Gregory J. LaConte, Clerk

THE TOWNSHIP OF CHATHAM
IN THE COUNTY OF MORRIS

By _____
Kevin M. Sullivan, Mayor

RESOLUTION 2014-189

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING PERMIT FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Office Manager with regard to the fee that was paid for a construction permit that was submitted twice for the same work;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
Mr. Constantine Coutras 15 Yarmouth Road Chatham, NJ 07928	13-0599+H	\$75.00

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Kevin M. Sullivan, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2014-P-16

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Property acquisition or investment options: Giralda Farms Property (Block 142, Lot 1 & Block 141, Lots 7, 8 & 9.04)
 - b. Pending or anticipated litigation: Paff v. Township of Chatham et al
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: October 9, 2014

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Kevin M. Sullivan, Mayor